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PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION LAW
AND RELATED LITIGATION

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EDWARD B. EVANS 1936-1971

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April 11, 2005

FACSIMILE COVER SHEET

To: Examiner Chun Cao
Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22213-1450

From: Scott A. Stinebruner
Reg. No. 38,323

Re: U.S. Patent Application
Serial No. 09/809,408
Filed: March 15, 2001
Applicant: Jennifer Anne Dervin et al.
Art Unit: 2115
Confirmation No.: 3577
Our Ref: IBM/181

Fax: 703-872-9306

Enclosures:

Fax Cover Sheet containing Certificate of
Facsimile Transmission (1 page)
Transmittal containing Certificate of
Facsimile Transmission (2 pages)
Amendment and Response (15 pages)

Pages: 18 (including cover sheet)

MESSAGE/COMMENTS OFFICIAL

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence and the enclosures noted herein (18 total pages, including cover sheet) are being transmitted via facsimile transmission to Examiner Chun Cao, Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22213-1450 at 703-872-9306 on April 11, 2005.

Judith L. Volk
Judith L. Volk

April 11, 2005
Date

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PATENT
Att'y Docket No. IBM/181/124
Confirmation No. 3577

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Judith L. Volk
Judith L. Volk

April 11, 2005
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jennifer Anne Dervin et al.	Art Unit: 2115
Serial No.: 09/809,408	Examiner: Chun Cao
Filed : March 15, 2001	
For : AUTOMATED NODE RESTART IN CLUSTERED COMPUTER SYSTEM	

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. ☒ Transmitted herewith is an Amendment and Response.
2. ☐ Small Entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.
☐ Enclosed is a verified statement to establish Small Entity status
☒ Other than a Small Entity
3. The fee has been calculated as shown below:

CALCULATION OF FEES

Fee:	Number of Claims After Amendment:		Previously Paid For:	No. Extra:	At Rate:	Amount:
Total Claims	36	minus	38	0	\$50	\$0.00
Independent Claims	10	minus	11	0	\$200	\$0.00
MULTIPLE DEPENDENT CLAIM FEE					\$360	\$0.00
TOTAL FEE FOR CLAIMS:						\$0.00

- ☒ No additional fee for claims is required.

Page 1 of 2
Serial No. 09/809,408
Transmittal for Amendment of April 11, 2005
IBM Docket: ROC920000313US1
WH&E IBM/181

4. ☐ Attached is a check in the sum of \$_____ for additional claims.
☐ Please charge my Deposit Account No. 23-3000 in the amount of \$_____.
5. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply. Complete (a) or (b) as applicable.

- ☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

	<u>Ext. Mos.</u>	<u>Large entity</u>	<u>Small entity</u>
<input type="checkbox"/>	one month	\$ 120.00	\$ 60.00
<input type="checkbox"/>	two months	\$ 450.00	\$ 225.00
<input type="checkbox"/>	three months	\$1,020.00	\$ 510.00
<input type="checkbox"/>	four months	\$1,590.00	\$ 795.00
<input type="checkbox"/>	five months	\$2,160.00	\$1,080.00

Extension fee due with this request:

\$ _____

Method of Payment:

Check enclosed in the amount of \$ _____

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

- ☐ An extension for _____ months has already been secured and the fee paid thereof of \$_____ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$_____.
OR
- ☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.
6. ☒ If any additional fee for claims or extension of time is required, charge Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By:


 Scott A. Stinebruner
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PATENT

IBM/181

Confirmation No. 3577**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Jennifer Anne Dervin et al. Art Unit: 2115
Serial No.: 09/809,408 Examiner: Chun Cao
Filed: March 15, 2001 Atty. Docket No.: IBM/181
For: AUTOMATED NODE RESTART IN CLUSTERED COMPUTER
SYSTEM

AMENDMENT AND RESPONSE

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action dated January 10, 2005, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 13 of this paper.

Page 1 of 15
Serial No. 09/809,408
Amendment and Response dated April 11, 2005
Reply to Office Action of January 10, 2005
IBM Docket ROC920000313US1
WH&E IBM/181
K:\ibm\181\Amendment and Response to 1-10-05 OA.wpd